

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN ASSEMBLY JULY 1, 2015

AMENDED IN SENATE APRIL 14, 2015

SENATE BILL

No. 476

Introduced by Senator Mendoza

February 26, 2015

An act to amend Sections 18897 and 18897.4 of, to add Section 18897.8 to, and to repeal and add Section 18897.1 of, the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 476, as amended, Mendoza. Organized camps.

Existing law requires the State Public Health Officer to establish rules and regulations establishing minimum standards for organized camps, and regulations governing the operation of organized camps that he or she determines are necessary to protect the health and safety of the campers. Existing law establishes minimum standards for the operation, regulation, and enforcement of organized camps, as defined.

This bill would recast those provisions and instead define an "organized camp" to include an "organized resident camp" and an "organized day camp," as specified, that provides activities that promote environmental awareness and education. ~~This bill would exclude from "organized camps" physical education-based organizations, gymnastics studios, sports training organizations, and theatre programs, among others.~~ The bill would require the included camps to issue a written notice of intent to ~~operate and to~~ *operate*, develop a written operating ~~plan~~ *plan*, and submit the plan, or written verification that the camp is accredited by the American Camp Association, to the local public health

officer at least 45 days prior to commencing operation of the camp. The bill would also require those camps to comply with applicable safety and supervision requirements relating to camp directors and counselors, install a carbon monoxide detector in specified buildings, and store firearms in a locked storage cabinet when not in use, as specified. The bill would also require those camps to obtain a permit to operate, or, for an organized day camp that does not have a fixed location, to register with the local public health officer and receive authorization to operate, from the local public health officer, and to post the permit or authorization, as specified.

The bill would authorize the local public health officer to inspect the camp and charge fees for camp oversight activities. The bill would also authorize a person alleging health and sanitation violations to file a complaint with the local public health officer, and to require the local public health officer to investigate. The bill would also require the State Department of Public Health, in adopting or amending the rules and regulations pertaining to organized camps, to make reasonable efforts to obtain the input and advice of prescribed organizations.

Because this bill would impose additional duties upon local public health officers in cities and counties, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18897 of the Health and Safety Code is
- 2 amended to read:
- 3 18897. (a) “Organized camp” means an organized resident
- 4 camp or an organized day camp that operates seasonally to provide
- 5 group-based recreation and expanded learning opportunities with

1 social, spiritual, educational, or recreational activities that promote
2 environmental awareness and education.

3 (1) A group that leases an organized camp for the purpose of
4 conducting a camp for children under 18 years of age shall comply
5 with this part.

6 (2) An “organized camp” does not include any of the following:

7 (A) A hotel, motel, tourist camp, trailer park, resort, hunting
8 camp, auto court, labor camp, penal or correctional camp, drug
9 and alcohol resident rehabilitation program, a facility licensed by
10 the state, or a facility subject to occupancy taxes, home-finding
11 agencies, or a licensed child day care facility as defined in Section
12 1596.750.

13 (B) A charitable or recreational organization that complies with
14 the rules and regulations for recreational trailer parks.

15 (C) Sites or programs that are used by adults or groups for
16 counseling, religious retreats, reunions, conferences, and special
17 events on an intermittent, short-term basis of less than four
18 consecutive overnight stays.

19 (D) Programs offered by ~~museums, zoos, cities, counties, or~~
20 ~~special districts, sports training organizations, gymnastics studios,~~
21 ~~theater groups, or other physical education-based organizations.~~
22 ~~districts.~~

23 (b) “Organized resident camp” means a site or sites with
24 programs and facilities established for the primary purposes of
25 providing group living experiences and that provides three or more
26 consecutive overnight stays during one or more seasons of the
27 year, excluding field trips as provided for under subparagraph (B)
28 of paragraph (2) of subdivision (c).

29 (c) (1) “Organized day camp” means a program that is
30 established for the primary purpose of providing group experiences
31 for children under 18 years of age during the day.

32 (2) An organized day camp may do all of the following:

33 (A) Transport campers to parks, beaches, campsites, and other
34 locations for activities.

35 (B) Provide for offsite field trips for no more than three
36 consecutive days. Any organized day camp that provides offsite
37 field trips for more than two consecutive nights shall be considered
38 an organized resident camp.

39 (3) An organized day camp shall have adequate staff to carry
40 out the program, including, but not limited to, a qualified program

1 director who has at least two seasons of administrative or
2 supervisory experience at an organized day camp or a youth
3 program. The program director shall be present at all times during
4 the operation of the organized day camp.

5 (d) “Camper” means any person in an organized camp on a fee
6 or nonfee basis who is a participant in the regular program and
7 training of an organized camp.

8 (e) *Notwithstanding any other law, an organized camp program*
9 *conducted for children by the YMCA, Girl Scouts of the USA, Boy*
10 *Scouts of America, Boys and Girls Clubs, Camp Fire USA, or*
11 *similar organizations shall not be required to be licensed as a*
12 *child day care center.*

13 SEC. 2. Section 18897.1 of the Health and Safety Code is
14 repealed.

15 SEC. 3. Section 18897.1 is added to the Health and Safety
16 Code, to read:

17 18897.1. (a) An organized day camp or an organized resident
18 camp shall do all of the following:

19 (1) Issue a written notice of intent to operate and develop and
20 submit a written operating plan pursuant to Section 30704 of Title
21 17 of the California Code of Regulations, or written verification
22 that the camp is accredited by the American Camp Association
23 (ACA), to the local public health officer or his or her designee at
24 least 45 days prior to commencing operation of the camp.
25 Year-round camps shall submit their plans on an annual basis.

26 (2) For an organized day camp that does not have a fixed
27 location, register with the local public health officer as an organized
28 camp in the county in which its business office is located.

29 (3) Meet the applicable requirements of Section 30751 of Title
30 17 of the California Code of Regulations.

31 (4) Install a carbon monoxide detector in any building intended
32 for human occupancy that has a fossil fuel burning heater or
33 appliance, a fireplace, or an attached garage.

34 (5) Store all firearms, including rifles, pellet guns, air guns, and
35 bows and arrows, in a locked cabinet designated for this use when
36 those items are not in use for authorized camp activities. The
37 director, or a qualified designee of the director that meets the
38 requirements of subdivision (a) of Section 30751 of Title 17 of
39 the California Code of Regulations, of the organized camp shall
40 maintain possession of the key to this cabinet.

1 (6) Obtain a permit or authorization pursuant to paragraph (2)
2 of subdivision (b) and post a copy of the permit or authorization
3 on the premises of the organized day camp or organized resident
4 camp and, if applicable, on the Internet Web site of the organized
5 day camp or organized resident camp.

6 (b) (1) The local public health officer shall acknowledge receipt
7 of the operating plan or verification of accreditation described in
8 paragraph (1) of subdivision (a) within 30 business days of
9 receiving the operating plan or verification of accreditation.

10 (2) (A) The local public health officer shall issue to an
11 organized day camp or an organized resident camp a permit to
12 operate if both of the following conditions are met:

13 (i) The written operating plan required pursuant to paragraph
14 (1) of subdivision (a) includes appropriate health and sanitation
15 standards as described in Section 18897.2 or accreditation by the
16 American Camp Association (ACA) is verified.

17 (ii) The local public health officer or his or her designee has
18 conducted an initial inspection of the premises of the organized
19 day camp or organized resident camp to verify compliance with
20 the appropriate health and sanitation standards.

21 (B) The local public health officer shall issue to an organized
22 day camp required to register pursuant to paragraph (2) of
23 subdivision (a) authorization to operate upon registration of the
24 organized day camp if the organized day camp meets the
25 requirements of subparagraph (A).

26 (c) The local public health officer may inspect the organized
27 day camp or organized resident camp and charge a fee for that
28 purpose, not to exceed the reasonable cost of the inspection. The
29 local public health officer shall provide, within 30 days, a summary
30 of any violations of health and safety standards established in the
31 rules and regulations establishing minimum standards for organized
32 camps.

33 (d) An organized day camp or organized resident camp that has
34 been cited for failing to meet legal requirements may appeal the
35 citation to the local health department. The local health department
36 shall issue a decision on that appeal within 30 business days and
37 that decision shall be final.

38 (e) The local public health officer, or his or her designee, may,
39 during the organized camp's hours of operation or at other
40 reasonable times, enter and inspect the premises of the organized

1 camp, issue citations, and secure any samples, photographs, or
2 other evidence from an organized camp or any facility suspected
3 of being an organized camp.

4 (f) A person alleging health and sanitation violations pursuant
5 to the regulations establishing minimum standards for organized
6 camps may file a complaint, either orally or in writing, with the
7 local public health officer. The local public health officer shall
8 investigate any complaint received.

9 (g) The local public health officer may charge a fee to recover
10 any necessary costs incurred in administering the provisions of
11 this part relating to organized camp oversight. The fee shall not
12 exceed the actual cost of organized camp oversight and related
13 activities.

14 SEC. 4. Section 18897.4 of the Health and Safety Code is
15 amended to read:

16 18897.4. (a) For the purposes of this part, every local health
17 officer shall enforce within his or her jurisdiction the building
18 standards published in the State Building Standards Code relating
19 to organized *resident* camps and the other rules and regulations
20 adopted by the State Public Health Officer pursuant to Section
21 18897.2. A local public health officer may, for the purposes of
22 complying with this ~~section, contract with~~ *subdivision, delegate*
23 *responsibility to* the Office of the State Architect or any other
24 public agency or private organization for the review of design and
25 performance of inspection of construction of camp buildings and
26 structures, as specified in Section 30720 of Title 17 of the
27 California Code of Regulations.

28 (b) *For organized day camps, a local public health officer shall*
29 *enforce within his or her jurisdiction the health and sanitation*
30 *requirements for a permit or authorization pursuant to Section*
31 *18897.1.*

32 SEC. 5. Section 18897.8 is added to the Health and Safety
33 Code, immediately following Section 18897.7, to read:

34 18897.8. The State Department of Public Health, in adopting
35 or amending the rules and regulations pertaining to organized day
36 camps and organized resident camps under this part, shall make
37 reasonable efforts to obtain the input and advice of organizations
38 in the field. All costs incurred by the participating organizations
39 shall be borne by the organizations themselves. The department

1 shall implement this section in the most cost-effective manner
2 deemed feasible.

3 SEC. 6. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.

9 However, if the Commission on State Mandates determines that
10 this act contains other costs mandated by the state, reimbursement
11 to local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.